

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

United States of America,)	
)	
)	Criminal No. 4:17-cr-108-BHH
v.)	
)	
John Henry Johnson,)	<u>ORDER</u>
)	
Defendant.)	
_____)	

This matter is before the Court upon Defendant John Henry Johnson’s (“Johnson”) pro se motion for compassionate release under 18 U.S.C. § 3582(c)(1)(A)(i), his pro se motion for default judgment, his pro se request to take judicial notice, and his amended pro se motion for compassionate release. (ECF Nos. 2303, 2334, 2347, 2389.) The government filed responses in opposition, and the matters are ripe for review. (ECF Nos. 2326, 2402.)

After considering the applicable factors provided in 18 U.S.C. § 3553(a) and the applicable policy statements issued by the Sentencing Commission, the Court denies Johnson’s motions.

First, the Court finds Defendant’s argument regarding acryl fentanyl without merit because he was convicted of conspiring to distribute and possess with intent to distribute a quantity of *heroin* and two counts of attempted distribution of *heroin*—not acryl fentanyl. Thus, the status of acryl fentanyl at the time of his criminal conduct and at the time of trial had no bearing on the Court’s jurisdiction or the jury’s verdict. Second, the Court finds that Johnson has not identified any “extraordinary and compelling reasons” for a sentence reduction pursuant to § 3582(c)(1)(A). Although Johnson suffers from medical conditions, some of which may be age-related, his detailed medical records indicate he is receiving routine medical care. Furthermore, he does not appear to suffer from a condition that diminishes his ability to care for himself within a correctional facility.

Lastly, with the recent revisions to the career offender provisions in the Sentencing Guidelines, the Court notes that Defendant's convictions for conspiracy and attempt are considered controlled substance offenses under § 4B1.2, making them subject to enhancement under the career offender provisions of § 4B1.1.

Based on the foregoing, it is ORDERED that Johnson's motions for compassionate release and for default judgment, as well as his request to take judicial notice, (ECF Nos. 2303, 2334, 2347, and 2389) are denied. IT IS SO ORDERED.

/s/Bruce H. Hendricks
United States District Judge

June 5, 2024
Charleston, South Carolina